IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.2871 of 2007

Raju Baburao Kolpe Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr Ganesh Gole, Advocate for the Applicant.

Mr S. S. Pednekar, APP for the State.

CORAM: V. C. DAGA,J.
DATED: 3rd Sept, 2007.

P.C.:-

1. Heard learned counsel for the applicant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant-accused is seeking bail in C.R. No. I-279 of 2006 registered with Chakan Police Station for the offences under Sections 376, 341, 506, 109 of the I.P.C.

4. Having seen the material on record and the statement of the applicant himself, it is not in dispute that he had indulged in committing inter-course with the prosecutrix.

This is admitted position. Only defence of the applicant-accused is that the said inter-course was with her consent. The prosecutrix had denied the alleged consent. It is no doubt true that there are no injuries on the person of either the prosecutrix or the applicant - accused. However, the spot panchnama shows that certain broken pieces of bangles were noticed and seized on the spot. This factor runs contrary to the theory of the consent. At this stage, I am not inclined to grant bail to the applicant-accused.

5. In the result, the application is rejected.

6. Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

(V.C. DAGA,J.)